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EXAMINER

DAO, THUY CHAN

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,333	<b>Applicant(s)</b> SARUKKAI ET AL.	
	<b>Examiner</b> Thuy Dao	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on August 19, 2009 has been entered.

2. Claims 1-21 have been examined.

### **Response to Amendments**

3. In the instant amendment, claims 1, 5, 9, 10, and 13 have been amended.

### **Response to Arguments**

4. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections – 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkare (art of record, US Patent No. 7,266,810) in view of Gove (art of record, US Patent Publication No. 2004/0006760 A1) and US Patent Publication No. 2002/0016954 to Charisius et al. (art made of record, hereafter "Charisius").

**Claim 1:**

Karkare discloses a method, system, and computer program product *for integrating run-time metrics into a development environment,*

*the development environment* (e.g. FIG. 4, Enterprise tools 42, System tools 44, Java code editor to write Application 52, col.10: 31-38)

*including a runtime environment* (e.g., FIG. 4, Virtual Machine 54 and Application Profiler 46, col.2: 36-58; col.6: 45-67) *and*

*a user interface environment* (e.g., FIG. 2-3, GUI of Profiler 45), *the method comprising:*

*determining an application component of an application to be monitored in the development environment* (e.g., FIG. 6, Running Application 52, passing class and method of said Running Application 52 to Profiler),

*the application comprising operational logic* (e.g., col.7: 1-35, Running Application 52 may comprise classes, methods, processes, and functions as “operational logic”),

*the application component being selected from the operational logic* (e.g., FIG. 6, Running Application 52, passing class and method of said Running Application 52 to Profiler) *and having associated information in a component repository of the development runtime environment* (e.g., FIG. 4, determining a specific application 52 to be monitored; FIG. 6 “Running Application 52” and “Profiler 45”);

*wherein the component repository* (e.g., FIG. 5, Application 52 stored in memory coupled with Virtual Machine 62 and Operating system 66, col.12: 6-47)

*is configured to provide a list of components that are available to be invoked by the development runtime environment* (e.g., FIG. 4, from Enterprise Tools 42 and System Tools 44, selecting and running Application 52);

*monitoring the application component in the development runtime environment to determine a plurality of metrics associated with the application component* (e.g., FIG. 4, Profiler 45 includes and Application Profiler 46, Native Code Profiler 48 and Kernel Profiler 50, col.9: 16-45);

*transmitting the plurality of metrics to a data collector of the development environment user interface; and displaying the metrics to a user of the development environment* (e.g., FIG. 3, col.9: 46 – col.10: 20).

Karkare discloses integrating the profiler with the enterprise tools and/or system tools (col.10: 39-58 and col.11: 10-19) but not explicitly discloses *integrating the profiler with an integrated development environment IDE*.

However, in an analogous art, Gove further discloses *an IDE includes a profiler* (e.g., [0007], FIG. 4, [0019], [0021], and [0023]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so to collect profiles of applications and merge the functionality of the profiler into that of the IDE as suggested by Gove (e.g., [0007] and [0023]).

Karkare discloses enterprise application (col.10: 39-67) but neither Karkare nor Gove explicitly discloses *the application comprising business logic*.

However, in an analogous art, Charisius further discloses *the application comprising business logic* (e.g., [0101], an enterprise application has business logic to determine qualification for a senior citizen discount on a purchase order).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Charisius' teaching into Karkere and Gove's teaching. One would have been motivated to do so to apply business logic into real-world software application as suggested by Charisius (e.g., [0101]-[0102]).

## **Claim 2:**

The rejection of claims 2 is incorporated. Gove further discloses *providing, to the user of the IDE, an alert notifying the user of an error condition generated by the application component in production* (e.g., FIG. 2, block 204-208 and related text; FIG. 4, IDE 400 with Debug component 420).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so to as set forth above.

**Claim 3:**

The rejection of claims 2 is incorporated. Karkare also discloses *providing an alert comprises displaying, for the user, a list of alerts generated since a last login by the user* (e.g., col.3: 55 – col.4: 47, col.10: 23-58).

**Claim 4:**

The rejection of claims 2 is incorporated. Karkare also discloses *providing an alert comprises sending an alphanumeric page to the user* (e.g., col.5: 5 - col.6: 43, col.10: 59 – col.11: 43).

**Claim 5:**

The rejection of claims 1 is incorporated. Gove further discloses *providing a policy manager in the IDE to allow the user to select the application component and specify an operational concern for the application component* (e.g., [0026] and [0028]); *communicating the specified operational concern to a policy agent in the IDE runtime environment; and enforcing the operational concern with the policy agent during operation of the application component* (e.g., [0007]-[0010] and [0028]-[0032]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so to as set forth above.

Neither Karkare nor Gove explicitly discloses *the operational concern related to the business logic of the application*.

However, in an analogous art, Charisius further discloses *the operational concern related to the business logic of the application* (e.g., [0101], an enterprise application with operational concern as retrieving customer/sale database is related to

business logic to determine qualification for a senior citizen discount on a purchase order).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Charisius' teaching into Karkere and Gove's teaching. One would have been motivated to do so to apply business logic into real-world software application as suggested by Charisius (e.g., [0101]-[0102]).

**Claim 6:**

The rejection of claims 5 is incorporated. Karkare also discloses *the operational concern is selected from the group consisting of a logging policy, an authentication policy, an encryption policy, and a caching policy* (e.g., col.7: 14 – col.8: 36; col.12: 6-64).

**Claim 7:**

The rejection of claims 1 is incorporated. Gove further discloses *allowing the user to create the application component in the IDE; and automatically registering the application component, when it has been created, with the component repository* (e.g., [0020]-[0024], [0032]-[0036]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 8:**

The rejection of claims 7 is incorporated. Gove further discloses *determining an application component to be monitored comprises: providing, from the component repository, a list of application components that can be invoked; and allowing the user of the IDE to specify an application component to be opened in the IDE runtime environment* (e.g., [0024]-[0029]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 9:**

Claim 9 is a computer program version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 9.

**Claim 10:**

Karkare discloses *a computer system comprising a processor and a computer readable medium, the computer readable medium having stored thereon a computer program executable by the processor, the computer program comprising:*

*a component repository configured to maintain a list of available application components that can be invoked by a development environment runtime environment to monitor an application (e.g., FIG. 4, determining a specific application 52 to be monitored; FIG. 6 "Running Application 52" and "Profiler 45");*

*the application comprising operational logic (e.g., col.7: 1-35, Running Application 52 may comprise classes, methods, processes, and functions as "operational logic"),*

*the application component being selected from the operational logic (e.g., FIG. 6, Running Application 52, passing class and method of said Running Application 52 to Profiler) and having associated information in a component repository of the development runtime environment (e.g., FIG. 4, determining a specific application 52 to be monitored; FIG. 6 "Running Application 52" and "Profiler 45");*

*an development runtime environment configured to open an application component and monitor operation of the application component to determine a plurality of metrics associated with the application component (e.g., FIG. 4, from Enterprise Tools 42 and System Tools 44, selecting and running Application 52); and*



*a development environment user interface configured to allow a user to perform software development tasks (e.g., (e.g., FIG. 4, Enterprise/System Tools, Profiler; col.2: 36-58; col.6: 45-67), the development environment user interface comprising:*

*an instrumentor in communication with the development runtime environment, the instrumentor being configured to allow a user to control operation of the development runtime environment (e.g., col.5: 56 – col.6: 14; col.15: 29 – col.16: 35); and*

*a data collector in configuration with the development runtime environment, the data collector being configured to display at least some of the plurality of metrics associated with the application component (e.g., FIG. 3, profiling data collected and displayed in GUI of Profiler 45, col.9: 16-45).*

Karkare discloses integrating the profiler with the enterprise tools and/or system tools (col.10: 39-58 and col.11: 10-19) but not explicitly discloses *integrating the profiler with an integrated development environment IDE*.

However, in an analogous art, Gove further discloses *an IDE includes a profiler* (e.g., [0007], FIG. 4, [0019], [0021], and [0023]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so to collect profiles of applications and merge the functionality of the profiler into that of the IDE as suggested by Gove (e.g., [0007] and [0023]).

Karkare discloses enterprise application (col.10: 39-67) but neither Karkare nor Gove explicitly discloses *the application comprising business logic*.

However, in an analogous art, Charisius further discloses *the application comprising business logic* (e.g., [0101], an enterprise application has business logic to determine qualification for a senior citizen discount on a purchase order).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Charisius' teaching into Karkare and Gove's

teaching. One would have been motivated to do so to apply business logic into real-world software application as suggested by Charisius (e.g., [0101]-[0102]).

**Claim 11:**

The rejection of claims 10 is incorporated. Gove further discloses *the IDE runtime environment comprises the component repository* (e.g., [0006]-[0014], [0026]-[0032]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 12:**

The rejection of claims 10 is incorporated. Gove further discloses *the IDE user interface comprises a monitor, and wherein the monitor comprises the instrumentor and the data collector* (e.g., [0020]-[0024], [0030]-[0036]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 13:**

The rejection of claims 11 is incorporated. Gove further discloses *the IDE user interface further comprises a policy manager configured to allow the user to select the application component and specify an operational concern for the application component* (e.g., [0026] and [0028]); and

*wherein the IDE runtime environment comprises a policy agent in communication with the policy manager, the policy agent being configured to receive the operational concern from the policy agent and enforce the operational concern during operation of the application component* (e.g., [0004]-[0014] and [0022]-[0028]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

Neither Karkare nor Gove explicitly discloses *the operational concern related to the business logic of the application*.

However, in an analogous art, Charisius further discloses *the operational concern related to the business logic of the application* (e.g., [0101], an enterprise application with operational concern as retrieving customer/sale database is related to business logic to determine qualification for a senior citizen discount on a purchase order).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Charisius' teaching into Karkare and Gove's teaching. One would have been motivated to do so to apply business logic into real-world software application as suggested by Charisius (e.g., [0101]-[0102]).

**Claim 14:**

The rejection of claims 10 is incorporated. Gove further discloses *the IDE runtime environment comprises: a listener in communication with the instrumentor, the listener being configured to receive instructions from the instrumentor for controlling operation of the IDE runtime environment; and a sender in communication with the data collector, the sender being configured to translate events generated by the operation of the application component into messages, and to send the messages to the data collector* (e.g., [0008]-[0012] and [0020]-[0026]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 15:**

The rejection of claims 10 is incorporated. Gove further discloses *allow the user to create an application component in the IDE user interface; and automatically register the application component, when it has been created, with the component repository* (e.g., [0011]-[0014] and [0022]-[0028]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 16:**

The rejection of claims 10 is incorporated. Gove further discloses *the instrumentor is configured to allow a user to control operation of the IDE runtime environment by specifying a particular application component that should be monitored* (e.g., [0020]-[0024] and [0030]-[0036]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 17:**

The rejection of claims 10 is incorporated. Gove further discloses *the instrumentor is configured to allow a user to control operation of the IDE runtime environment by setting a context for the application component to be monitored* (e.g., [0022]-[0030]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 18:**

The rejection of claims 17 is incorporated. Karkare also discloses *the metrics displayed by the data collector are related to the context specified by the instrumentor* (e.g., col.5: 56 – col.6: 28).

**Claim 19:**

The rejection of claims 10 is incorporated. Gove further discloses *the IDE runtime environment is configured to monitor application components in a production environment* (e.g., col.4: 9 - col.5: 35).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Claim 20:**

The rejection of claims 19 is incorporated. Karkare also discloses *the component repository is configured to maintain a list of available application components that can be invoked either in the production environment or in a development environment* (e.g., col.1: 46 – col.2: 14; col.2: 36 – col.3: 67).

**Claim 21:**

The rejection of claims 10 is incorporated. Gove further discloses *the IDE user interface communicates with the IDE runtime environment using one or more protocols selected from the group consisting of the simple object access protocol ("SOAP"), the java message service, and remote method invocation* (e.g., [0004]-[0014] and [0022]-[0030]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Gove's teaching into Karkare's teaching. One would have been motivated to do so as set forth above.

**Conclusion**

7. Any inquiry concerning this communication should be directed to examiner Thuy (Twee) Dao, whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

Art Unit: 2192

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Twee Dao/

Examiner, Art Unit 2192